



November 9, 2017

CERTIFIED MAIL: 7013 0600 0000 5877 6893  
RETURN RECEIPT REQUESTED

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611  
Re: DOJ No. 90-5-2-1-10459

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RETURN RECEIPT REQUESTED

Director, Air Enforcement Division  
Office of Civil Enforcement  
U.S. EPA Headquarters, MC 2242A  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

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RETURN RECEIPT REQUESTED

Chief, Air and TRI Section  
Enforcement Division  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

**RE: Consent Decree No. CV-15-02206-PHX-DLR – Notification of Emission Limit Exceedance**

To whom it may concern:

ASARCO LLC (Asarco) notified the Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) on October 24, 2017 of the results of the Reference Method 5 particulate test that was conducted on the R&R Cottrell Electrostatic Precipitator (ESP) on September 19, 2017. Those results were inconsistent with observed performance of the R&R Cottrell ESP during the test and with prior Method 5 sampling at that location. Additionally, due to the high likelihood of sample error at this sampling location as outlined in Asarco's October 24, 2017 notification letter to EPA and

DOJ, Asarco felt it was necessary to schedule a re-test of the RR Cottrell ESP. The repeat performance test was scheduled for the week of November 6, 2017.

Due to an unforeseen breakdown at the anode furnace, the smelter's operation has been down and is not expected to resume until November 13, 2017. Due to the unplanned smelter outage, it was necessary to reschedule the repeat testing for the week of November 13<sup>th</sup>. The rescheduled repeat testing will still occur within the 365 days of the Effective Date as provided in Paragraph 16.

If there are any questions please contact Amy Veek at (520) 356-3296.



Joseph A. Wilhelm  
General Manager  
Hayden Operations

JAW/rcg

pc: S. Gasser  
A. Veek  
SM Engineer